IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION NO : 8707 of 2001

Between:

Sri Siddam Shambhu, President ,
Adivasula Bhoorakshna Samithi,
Utnoor, Adilablad District.

..... PETITIONER

AND

1. The Agency M.R.O.,
Adilabad District, Adilabad.
2. The Spl. Deputy Collector (Agency)
Adilabad District, Adilabad.
3. The District Magistrate and Collector, Adilabad District,

Adilabad.
4. I.T.D.A Project officer, Adilabad District, Adilabad.

5. Mr. Nabeen Mittal
I.T.D.A Project Officer, Adilabad District, Adilabad.
6. The Superintendent of Police

Adilabad District, Adilabad.
7. TheSecretary to the Govt of A.P., Revenue Department
Secretariat, Hyderabad.
8.The Secretary to the Govt of A.P Tribal Welfare Department
Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that for the reasons stated in the petition dated: 22.4.2001,the High Court will be pleased to issue an order, direction, or a writ more particularly one in the nature of writ of 'Mandamus ' calling for the records and remarks, from the respondents herein in and connected to: 1. Transfer of Tribal lands to non-Tribals by violating the provisions of Act 1/70. 2. Entering the names of the non-Tribals illegally in records of the Gram Panchayat wtih regard to Tribal lands by the Revenue Officials. 3. Harassment of Tribals by the officials of Forest Department when the Tribals are moving in the forest areas for lands. 4. Non-giving of pattas of Forest land to the Tribals 5. Pending of files by the I.T.D.A Project Officer for a long time. 6. Construction of permanent houses by the Non-Tribals in the lands of Tribals, by violating the proceedings of the District Collector dated 28/06/1997 and 14/07/1997 and 7.Collusion of Mr. Nabeen Mittal, the I.T.D.A. Project Officer, with the non-Tribals and encouraging them to encroach the Tribals lands and build houses.

Counsel for the Petitioner: Taken-up Petition.

Counsel for the Respondent Nos.1 to 3 & 7:GP for Revenue

Counsel for the Respondents 4,5 & 8: GP for Social Welfare

Counsel for Respondent No.6: None appeared.

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Letter received from Siddam Shambu, President, Adivasulu Bhoorakshana Samithi, Utnoor, Adilabad District, was registered as taken-up Writ Petition. Certain grievances were made that there is no protection to the Tribal lands. Most of the tribals do not know the law and tribals have lost their right and action was not being taken. Therefore, enquiry was sought to be got conducted and protection was sought to be provided to the tribals.

A detailed affidavit has been filed by Navin Mittal, Project Officer, I.T.D.A. Utnoor, Adilabad District placing on record facts and figures of the cases detected under the provisions of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 1959

and the number of cases decided so far in favour of tribals and restoration of their land in the said cases. Affidavit in reply denies the alleged lethargy on the part of the Project Officer in not disposing of the cases expeditiously.

Affidavit in reply also narrates the developmental activity undertaken for the welfare of Scheduled Tribes in Adilabad District. There is specific allegation against the sender of the letter that he has misguided the tribals and is interested to take over their property.

In such like matter, in view of the counter affidavit, no further direction deserves to be issued, since, action of the respondents cannot be faulted with. The Writ Petition, therefore, is closed. No costs.

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DEVINDER GUPTA, C.J.

23.8.2004.

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C.V.RAMULU, J.

VR.

Sd/- P.V. RADHA KRISHNA RAO,

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER.

To

1. The Agency M.R.O.,
Adilabad District, Adilabad.
2. The Special Deputy Collector (Agency)
Adilabad District, Adilabad.
3. The District Magistrate and Collector, Adilabad District,

Adilabad.
4. I.T.D.A Project officer, Adilabad District, Adilabad.

5. Mr. Nabeen Mittal
I.T.D.A Project Officer, Adilabad District, Adilabad.
6. The Superintendent of Police

Adilabad District, Adilabad.

7. The Secretary to the Govt of A.P., Revenue Department
Secretariat, Hyderabad.
8.The Secretary to the Govt of A.P Tribal Welfare Department
Secretariat, Hyderabad.

9. Two CCs to Govt. Pleader for Revenue, High Court Buildings,

Hyderabad (OUT).

10. Two CCS to Govt. Pleader for Social Welfare, High Court Buildings, Hyderabad (OUT).

11. The Special Officer, Public Interest Litigation Cell, High Court Buildings, Hyderabad.

12. The Secretary, A.P. State Legal Services Authority, High

Court Buildings, Hyderabad.

13. The Secretary to Government of A.P., Home Department, Secretariat, Hyderabad.

11. Two CD copies.

Kul.

Dt: 23-8-2004

Order

W.P.No. 8707 of 2001

Dismissing the W.P. without costs.